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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/262,264	03/04/1999	ARUN G. KHANNA	112025-0122	9124

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EXAMINER

GEORGE, KEITH M

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/262,264

Applicant(s)

KHANNA, ARUN G.

Examiner

Keith M. George

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10-20, 26 and 27 is/are allowed.
- 6) ☒ Claim(s) 21-25, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 21-25, 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Hinchey et al. (US005999541A).
3. Regarding claims 21, 23, 24, 28 and 29 Hinchey et al. discloses a method and router comprising: receiving a first control vector having source route information from a RIF of a first TR explorer frame created at a remote router connected to the first TR network (i.e. fig. 2, 50, 52, 54, source routing information from RIF is received from source TR); extracting the source route information (i.e. fig. 3, 120, 122, the source routing information in RIF is obtained to be entered into the route control and descriptor fields if the packet is source routed); loading the

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extracted source route information into a RIF of a second TR explorer frame (i.e. fig. 4, 164, the source routing information of the route control and descriptor fields is entered in RIF of the new token ring packet); and transmitting the second TR explorer frame on a second TR network to a destination to provide complete route information (i.e. it is inherent that if there is a desire for source routing, the destination receiving this new native token ring will use the RIF information and obtain the desired end to end routing information.) Hinchey et al. has clearly taught the method of encapsulating a token ring packet within an Ethernet packet, one advantage of the tunneled Token Ring packet is retention of source routing (RIF) ability. Tunneled Token Ring packets retain the information necessary to implement source routing (RIF). Hence, when a native Token Ring packet is created from a tunneled Token Ring packet, the original source routing information may be employed (column 2, lines 29-36). It would be inherent to the invention of Hinchey et al., that before the process of tunneling a token ring packet in an Ethernet frame is begun, that the composition of the remote router be determined. When it is determined that it is an Ethernet network, and therefore will support RIF passthrough via a tunneled Token Ring packet, the tunneling process detailed in the invention would begin. The tunneling process would not have been started if, for example, the remote network was also a Token Ring network.

4. Regarding claims 22 and 25, Hinchey et al. discloses the routers are DLSw devices (i.e. fig. 1, 16, 18, 28, are data link switches).

Allowable Subject Matter

5. Claims 1-8, 10-20, 26 and 27 are allowed.

Response to Arguments

6. Applicant's arguments filed 6 August 2003 have been fully considered but they are not persuasive. Applicant argues that Hinchey does not disclose Applicant's claimed novel determining if a remote router supports RIF passthrough capability, and if said remote router supports RIF passthrough capability, loading said source route information into a message to be sent to said remote router. In response, it would have been inherent to the teachings of Hinchey that before the invention was implemented it first be determined if the remote network can accept the tunneled Token Ring packet which retains the source routing ability (RIF). If the remote network were a Token Ring network, the tunneling would not be required. Therefore the teaching of Hinchey inherently include a step of determining if a remote router supports RIF passthrough.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 703-305-6531. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Keith M. George
17 December 2003



CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 12/17/03